

Carlos Hernández
Mayor

Isis Garcia-Martinez
Council President

Luis González
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Katharine E. Cue-Fuente
Paul B. Hernández
Lourdes Lozano

City Council Summary Agenda May 14, 2013 7:00 P.M.

Councilwoman Casals-Muñoz called the meeting to order at 7:11 p.m.

Call to Order/Roll Call of Council Members – **Quorum (5 out of 7 Council Members present)**

- **The following Council Members were present:**
 - Lourdes Lozano, Council Member
 - Jose Caragol, Council Member
 - Vivian Casals-Muñoz, Council Member (*Presiding Officer*)
 - Paul Hernandez, Council Member
 - Katharine Cue-Fuente, Council Member
- **The following Council Members were absent:**
 - Isis Garcia-Martinez, Council President
 - Luis Gonzalez, Council Vice President

Invocation given by Acting City Clerk, Marbelys Fatjo

Pledge of Allegiance led by Councilman Jose Caragol

ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK

The following guidelines have been established by the City Council:

- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

Presentations –

- (1) Certificate of Appreciation presented to DiPiazza Italian Restaurant by Mayor Hernandez for being a valuable asset of the community for the past 38 years - **PRESENTED**
- (2) Councilman Paul Hernandez introduces the Director of the Port Miami, Bill Johnson, who will be discussing the expansions of the port, as well as the tunnel project - **PRESENTED**

REPORT: Mayor Hernandez and Councilman Hernandez recognized Commissioner Jean Monestime, Miami-Dade County Board of County Commissioners.

REPORT: Councilwoman Casals-Muñoz recognized Lenna Borjes, Commission Aide to Commissioner Esteban Bovo, Miami-Dade County Board of County Commissioners.

1. Announcement of Amendments/Corrections to the Agenda - **Items S, T and PZ4 were added to the agenda. Item 7b was removed from the Agenda, and a Request to Table item LU1 until May 28, 2013 was placed on the dais for the Council's review.**
2. Consent Agenda – **Motion to Approve the Consent Agenda made by Councilwoman Cue-Fuente, and seconded by Councilman Hernandez. – Motion passed (5-0-2)**
 - A. Request permission to issue a purchase order to Motorola Solutions, Inc., sole source vendor, for the purchase of UASI 2010-045 Portable Radio Transceivers (AEL #06CP-01-PORT), for a total cumulative amount not to exceed \$96,499.50. (FIRE DEPT. AND GRANTS & HUMAN SERVICES DEPT.)
 - B. Request to approve the recommendations of the selection committee for the selection of Consultant Services for the 800 MHZ Radio Communications System in response to Request for Proposal # 2012/13-2000-00-004, and select Tusa Consulting Services II, LLC, for a total cumulative amount not to exceed \$38,956.80. (FIRE DEPT. AND GRANTS & HUMAN SERVICES DEPT.)
 - C. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Tessco Technologies, Inc., for the purchase of eight (8) Dual Power Supplies per GSA price schedule 70-IT Technology, for a total cumulative amount not to exceed \$15,740.96. (FIRE DEPT. AND GRANTS & HUMAN SERVICES DEPT.)
 - D. Request permission to waive competitive bidding, since it is advantageous to the City due to time constraints caused by parameters within the grant funding source, and issue a purchase order to Control Communications, Inc., to purchase three (3) Bird Technologies TX/RX 8 channel Control Station Combiners model 43-83G-01A-08 UASI 2010-045 Interoperable Communications (AEL #06CP-03-TOWR), for a total cumulative amount not to exceed \$25,338. (FIRE DEPT. AND GRANTS & HUMAN SERVICES DEPT.)
 - E. Request permission to increase purchase order # 2013-906, since it is advantageous to the City, issued to Tropic Oil Company, to purchase oil and lubricants for City vehicles, by an additional amount of \$30,000, for a new total cumulative amount not to exceed \$75,000. (FLEET MAINTENANCE DEPT.)

- F.** Request permission to increase purchase order # 2013-892, since it is advantageous to the City, issued to Rainbow Emergency Equipment, to purchase emergency equipment and supplies for City vehicles, by an additional amount of \$15,000 for a new total cumulative amount not to exceed \$30,000. (FLEET MAINTENANCE DEPT.)
- G.** Request permission to increase purchase order # 2013-129, since it is advantageous to the City, issued to Power Truck Repair, Inc., for service and repairs to City trucks, by an additional amount of \$15,000 for a new total cumulative amount not to exceed \$45,000. (FLEET MAINTENANCE DEPT.)
- H.** Request permission to increase purchase order # 2013-676, since it is advantageous to the City, issued to Total Truck Parts, Inc., to purchase aftermarket original equipment manufacturer parts for the City's trucks and buses, by an additional amount of \$50,000 for a new total cumulative amount not to exceed \$100,000. (FLEET MAINTENANCE DEPT.)
- I.** Request permission to increase purchase order # 2013-163, since it is advantageous to the City, issued to Miami Lakes AM, LLC d/b/a Miami Lakes Chevrolet, to purchase Chevy parts and accessories for City vehicles, by an additional amount of \$15,000 for a new total cumulative amount not to exceed \$30,000. (FLEET MAINTENANCE DEPT.)
- J.** Request permission to increase purchase order # 2013-681, since it is advantageous to the City, issued to Florida Transportation Systems, Inc., to purchase Blue Bird parts for the City's Blue Bird buses, by an additional amount of \$15,000 for a new total cumulative amount not to exceed \$30,000. (FLEET MAINTENANCE DEPT.)
- K.** Request permission to increase purchase order # 2013-209, since it is advantageous to the City, issued to W.W Grainger, Inc., to purchase shop parts and supplies, by an additional amount of \$15,000 for a new total cumulative amount not to exceed \$30,000. (FLEET MAINTENANCE DEPT.)
- L.** Request permission to approve payment to Miami-Dade County Department of Regulatory and Economic Resources, for invoice number 309-3, for costs associated with the Water & Sediment Quality Sampling for the period of October 1, 2011 through September 30, 2012. (STREETS DEPT.)
- M.** Request permission to waive competitive bidding, since it is advantageous to the City due to Williams Paving Inc., having agreed to extend the lowest unit prices used on the previously bid reconstruction of West 27 and West 28 Street from West 10 Avenue to West 12 Avenue, and issue a purchase order to William Paving, Inc., for roadway and drainage improvements to West 30 Street from West 8 Avenue to West 12 Avenue, for a total cumulative amount not to exceed \$649,615.05. (STREETS DEPT. AND GRANTS & HUMAN SERVICES DEPT.)
- N.** Request permission to increase purchase order # 2013-1347, since it is advantageous to the City, issued to Builders Choice Restoration, LLC., for additional work necessary for the interior build-out of Milander Auditorium to include tile work, granite, millwork, repairs to tiles, bathroom accessories and signage, by an additional amount of \$67,975.41, for a new total cumulative amount not to exceed \$757,255.41. (CONSTRUCTION AND MAINTENANCE DEPT. & GRANTS AND HUMAN SERVICES DEPT)

- O. Request permission to award bid # 2012/13-3230-00-019 and issue a purchase order to Builders Choice Restoration, LLC, lowest responsive bidder, for the 36-Unit Elderly Housing Project- kitchen, bathroom cabinets and millwork, for a total cumulative amount not to exceed \$98,600. (CONSTRUCTION AND MAINTENANCE DEPT. & GRANTS AND HUMAN SERVICES DEPT.)
- P. Proposed resolution approving the expenditure totaling an amount not to exceed thirteen thousand five hundred dollars (\$13,500.00) from the Law Enforcement Trust Fund – *Federal*, to purchase one (1) K-9 Dog for the Hialeah Police Department Canine Unit from Metro-Dade K-9 Services, lowest quote vendor, upon such costs having been approved by the Chief of Police. (POLICE DEPT.) **RESOLUTION NO. 2013-40**
- Q. Request permission to waive competitive bidding, since it is advantageous to the City, and utilize Atrium Personnel, Inc. and Westaff of Broward, Inc., who will provide temporary data entry operators to assist the Police Department with the entering of Florida Department of Law Enforcement mandated reports into the Records Management System for fiscal year 2013, for a total cumulative amount not to exceed \$70,000. (POLICE DEPT.)
- R. Proposed resolution approving the expenditure totaling an amount not to exceed six hundred dollars (\$600.00) from the Law Enforcement Trust Fund – *State*, to sponsor the Hialeah Police Olympic Softball Team in the 2013 Florida Law Enforcement Games, upon such costs having been approved by the Chief of Police. (POLICE DEPT.) **RESOLUTION NO. 2013-41**
- S. Request permission to increase purchase order #2013-178, since it is advantageous to the City, issued to LESC, Inc., d/b/a Law Enforcement Supply Company, Inc., to obtain emergency equipment and supplies, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$30,000. (FLEET MAINTENANCE DEPT.)
- T. Request permission to award bid # 2012/13-3230-00-035 and issue a purchase order to FWC Metal Works, LLC, lowest responsive bidder, for the Railings & Picket Fence at the 36-Unit Elderly Housing Project, for a total cumulative amount not to exceed \$74,400. (CONSTRUCTION & MAINTENANCE DEPT.)
- 3. First reading of proposed ordinance setting the election date for the General Election for the year 2013 for the date of Tuesday, November 19, 2013 for the offices of the Mayor and the City Council whose terms have expired, pursuant to municipal powers vested by State law according to Florida Statutes §§ 166.021(4) and 100.3605(2) in order to conduct elections on the same date as other municipalities; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (OFFICE OF THE CITY CLERK) **APPROVED (5-0-2)**

Motion to Approve made by Councilman Hernandez, and seconded by Councilwoman Cue-Fuente.

4. First reading of proposed ordinance providing for a Primary Election to be held on Tuesday, November 5, 2013 and a General Election to be held on Tuesday, November 19, 2013; providing for the Miami-Dade County Elections Department to conduct these elections and other matters relating thereto; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (OFFICE OF THE CITY CLERK) **APPROVED (5-0-2)**

Motion to Approve made by Councilman Hernandez, and seconded by Councilwoman Cue-Fuente.

5. First reading of proposed ordinance amending Chapter 62 entitled "Parks and Recreation" of the Code of Ordinances, and in particular, revising Hialeah Code § 62-21 entitled "Alcoholic Beverages; Intoxicated Persons" to allow the possession, consumption and sale of beer, wine and alcoholic beverages at Milander Center at city-sponsored and city approved events subject to the rules and regulations concerning the use of the facility and further allow the sale of beer and wine only at other recreation facilities subject to City Council approval; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (PARKS AND RECREATION DEPT. AND DEPT. OF COMMUNICATIONS AND SPECIAL EVENTS) **APPROVED (5-0-2)**

Motion to Approve made by Councilwoman Cue-Fuente, and seconded by Councilman Hernandez.

REPORT: Councilwoman Cue-Fuente congratulated Vicente Rodriguez, Director of the Construction and Maintenance Department, on an amazing job at Milander Auditorium.

REPORT: Mayor Hernandez reminded all in attendance that the Grand Opening of Milander Auditorium will take place on Friday, May 31, 2013 and Saturday, June 1, 2013. Mayor Hernandez recognized Fred Marinelli, Director of the Grants and Human Services Department, Pablo Bermudez, Director of Parks and Recreation Department, Marla Alpizar, Director of Communications and Special Events, and Vicente Rodriguez, Director of the Construction and Maintenance Department, for all their contributions to the project.

6. First reading of proposed ordinance amending Chapter 98 entitled "Zoning", Article III , Division 3. Subdivision Plats, of the Code of Ordinances and in particular, revising Hialeah Code § 98-348 entitled "Minimum Size of Lots and Blocks; Platting of Lands" to require a Flood Hazard Disclosure on all Subdivision Plats; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (PLANNING AND ZONING DIV.) **APPROVED (5-0-2)**

Motion to Approve made by Councilwoman Cue-Fuente, and seconded by Councilman Hernandez.

7. Board Appointments

- a) Appointment by Mayor Carlos Hernandez of Carlos Lainez to the Cultural Affairs Council.

REPORT: Carlos Lainez was recognized and welcomed to the Cultural Affairs Council.

8. Unfinished Business - None**9. New Business - None****10. Comments and Questions**

- a. **Jose Azze, 788 Southeast Park Drive, Hialeah, Florida, addressed the Council.**
b. **Elsa Shamloo, 12350 SW 97 Terrace, Miami, Florida, addressed the Council.**
c. **Velana Valdez, 861 East 33 Street, Hialeah, Florida, addressed the Council.**
d. **Jorge Gonzalez, 711 East 15 Place, Hialeah, Florida, addressed the Council.**

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

ZONING

PZ 1. First reading of proposed ordinance rezoning from M-1 (Industrial District) to R-3-4 (Multiple Family District). Property located at the northwest corner of the intersection of West 24 Avenue and West 78 Street, Hialeah, Florida. Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Palm West Apartments, LLC) **APPROVED AS AMENDED (4-1-2) VCM VOTED "NO".**

REPORT: Alejandro Vilarello, Esq., 16400 NW 59 Avenue, Miami Lakes, Florida 33134, addressed the Council as a Representative of the owner of the property.

REPORT: Item was amended from a proposed zoning of R-3-5 to R-3-4.

Motion to Approved made by Councilman Caragol, and seconded by Councilman Hernandez.

PZ 2. First reading of proposed ordinance rezoning from R-3 (Multiple Family District) to P (Parking). Property located at 466-476 East 26 Street, Hialeah, Florida. Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation

hereof; providing for a severability clause; and providing for an effective date. (Applicant: Melissa Tapanes Llahue, Esq./ Leon Medical Centers, LLC.) **APPROVED (5-0-2)**

REPORT: Melissa Tapanes Llahue, Esq., 200 South Biscayne Boulevard, Miami, Florida, addressed the Council on behalf of the owner of the property.

Motion to Approved made by Councilman Hernandez, and seconded by Councilwoman Caragol.

- PZ 3.** First reading of proposed ordinance rezoning from M-1 (Industrial District) to R-3-3 (Multiple Family District) and granting a Variance Permit to allow 225 parking spaces, where 228 parking spaces are required, and to allow a pervious area of 28%, where a minimum 30% lawn (pervious) area is required, contra to Hialeah Code §§ 98-2189(19) and 98-2233. **Property located at the northwest corner of the intersection between N.W. 92 Avenue and West 80 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Paraiso Gardens, LLC) **APPROVED (4-1-2) VCM VOTED “NO”.**

REPORT: Alejandro Vilarello, Esq., 16400 NW 59 Avenue, Miami Lakes, Florida 33134, addressed the Council as a Representative of the owner of the property.

Motion to Approved made by Councilman Caragol, and seconded by Councilwoman Cue-Fuente.

- PZ 4.** Recommendation of denial from the Planning and Zoning Board for **rezoning** from R-1 (One Family District) to R-2 (One and Two Family Residential District) and consider granting a variance permit to allow lot coverage of 34% (maximum of 30% allowed) and allow the following existing setbacks: For front unit: East side of 5.30' (7.5' required). For rear unit: Rear of 6.55' (25' required), east side of 5.35', west side of 5.5' (7.5' required for porch). Property located at **308 East 43 Street, Hialeah.** (Applicant: Grisselle Freijo Cantrell) **TABLED (5-0-2)**

Motion to Table made by Councilman Hernandez, and seconded by Councilwoman Cue-Fuente.

LAND USE AMENDMENT

- LU 1.** Recommendation of denial from the Planning and Zoning Board for a Small Scale Amendment from Low Density Residential to Residential Office District. Property located at 875 East 41 Street, Hialeah, Florida. Zoned R-1 (One-Family District). (Applicant: Eleana Cruz, c/o Ceasar Mestre, Esq.) **TABLED (5-0-2)**

Motion to Table made by Councilman Hernandez, and seconded by Councilwoman Cue-Fuente.

REPORT: Gel Puppo, 4141 East 8 Lane, Hialeah, Florida, addressed the Council in opposition to the approval of the item.

NEXT CITY COUNCIL MEETING: May 28, 2013 at 7:00 P.M.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: May 28, 2013 at 6:30 p.m.

There being no further business, the City Council meeting was adjourned at 8:50 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).